

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA,

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v.

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Docket No. 1:13-CR-00142-PB-1

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JOHNATHON IRISH

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**MOTION TO DETERMINE
THE DEFENDANT'S COMPETENCY TO STAND TRIAL**

The undersigned, counsel for the defendant, Johnathon Irish, pursuant to 18 U.S.C. § 4241(a), asks this Court to make a determination as to whether or not the defendant is competent to stand trial.

1. I am the attorney assigned to represent Johnathon Irish.
2. I have met with Mr. Irish on numerous occasions and I have serious doubts that he can satisfy the legal standard for competency to stand trial. E.g., Duskey v. United States, 362 U.S. 402 (1960).
3. The defendant admittedly suffers from a mental disease or defect. I believe this defect impairs his ability to consult with me with a reasonable degree of rational understanding.
4. Due to the nature of this motion no memorandum of law is required.
5. Assistant United States Attorney Nick Abramson takes no position on this motion so long as the competency assessment is conducted by the Bureau of Prisons.

WHEREFORE, for the reasons stated above, this Court should order a medical inquiry into the defendant's competence by the Bureau of Prisons and schedule a hearing to determine whether in fact he is legally competent to stand trial.

Respectfully submitted,

JOHNATHON IRISH

By his attorneys,

NIXON, VOGELMAN, BARRY,
SLAWSKY & SIMONEAU, P.A.

Date: July 18, 2014

By: /s/ Lawrence A. Vogelman
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion has this date been electronically mailed to John Kacavas and Nick Abramson, counsel for the government.

/s/ Lawrence A. Vogelman